Mr. A. K. Vengu Ayyar.—When the annual contributions began to be paid, subsequent to this letter referred to by the Hon'ble Member, the Diwan considered the matter, and a letter was sent to them to inform them that this contribution was not intended for all time.

President.—Was there any objection raised?

Mr. A. K. Vengu Ayyar.—No, Sir.

Mr. C. A. Kunjunni Raja.—May I know when it was sent?

Mr. A. K. Vengu Ayyar.—I have not got the file now. I shall give you the information later.

The Cochin Government.

474. **Mr. K. T. Mathew.**—In Vol. II, part 24, page 1968, it was stated on behalf of the Government that the matter of defining "Cochin Government" and making its meaning clear would be considered by the Government. Will the Government now be pleased to inform whether this matter has been considered by the Government, as promised, and what is the definition now settled upon, and state the names of those that constitute the Government now, and further to state whether there is any difference between "the Government of Cochin" and "Our Government", and if there is any difference, what is it?

Mr. A. K. Vengu Ayyar.— The Government considered the question but are unable to make the meaning clearer than what has been stated already. There is no difference between "The Government of Cochin" and "Our Government".

Mr. K. T. Mathew.—What is the difficulty felt by the Government in making the meaning of the word "Government" quite clear?

Mr. A. K. Vengu Ayyar.—The Government have already stated that they are unable to explain it more clearly.

Mr. K. T. Mathew.—What is the inability due to?

Mr. A. K. Vengu Ayyar.— How is it possible to explain an inability?

Mr. K. T. Mathew.—Why is the Government unable?

Mr. A. K. Vengu Ayyar.—Because it is unable.

Mr. K. T. Mathew.—Is it because the Government have not got an Advocate to refer the matter to?

President.—That does not arise.

Mr. K. T. Mathew.—Then, what is the inability due to?

President.—He says that it is due to inability.

Mr. K. T. Mathew.—What is the inability?

President.—Inability is inability itself.

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Mr. K. T. Mathew.—Apart from that, part of my question is not answered. I wanted the names of those that constitute the Government.

President.—Is not that also stated already?

Mr. K. T. Mathew.—No, Sir.

President.—We had promised to consider the matter. It was considered and it was found impossible to give a clearer definition. We have not been able to come to a more definite conclusion. So you will have to be in the same position as you were. It is impossible to say who all constitute the Government. Shall we say, the Diwan or His Highness? Or can we say the Diwan Peishkar or the Tahsildar also constitutes the Government? In some cases the Tahsildar may dispose of a matter, sometimes the Diwan Peishkar may have to do it or it may be done by the Diwan or even by His Highness. Shall we then say the Tahsildar and the Diwan Peishkar constitute the Government? We are all servants of the Government. His Highness is entitled to carry on the Government. It is His Highness' Government. That Government is carried on by officers appointed by His Highness.

Mr. C. A. Ouseph.—The other day I was told by one who was an officer in the Cochin Government service, and who had some experience and knowledge of the Government of the day, that, when Mr. Banerji was the Diwan, it had been defined as "His Highness and the Diwan.".

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I wish to say something on the point. It is always recognised in the Indian States that the Ruler is the Government. Some powers of His Highness have been delegated to the Diwan, or, in the bigger States where there is a Legislative Council, to the Council and the Diwan, the Diwan acting and exercising the powers delegated to him by His Highness. They constitute the Government. But certain powers of His Highness have been delegated to the Diwan by Regulations. He is to exercise all these powers under the command of His Highness; some are special commands, and some general.

President.—But certain powers are delegated to the Heads of Departments also.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—The Government's function is quite different. They are given only administrative functions. The Diwan has been given power to frame Rules and Regulations. That is Government powers. No Head of a Department has been given the power to frame Rules and Regulations. But the Diwan has got legislative as well as executive powers.

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President.—That is, from the point of view of legislation.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I shall make the point clearer. The Ruler of an Indian State is the fountain and source of all authority—executive, judicial and administrative. The Diwan is the Chief Officer of the State. He is the executive efficer. He is the mouthpiece of the Government in matters of correspondence with the Paramount Power and with the officers outside Cochin. He is the mouthpiece of His Highness, and certain powers are delegated to him. He exercises those powers under the control of His Highness. It is with this understanding that Sir T. Vijayaraghavachar i issued such Proceedings as "Proceedings of the Government of Cochin". When an order or proceedings is issued by the Government of Cochin, it is presumed that the Diwan has taken orders from His Highness.

Mr. A. B. Salem.—It is not a correct statement. Orders passed and issued by the Government of Cochin and purported to be Government orders were upset on the express ground that His Highness' sanction had not been obtained.

President.—I know one thing, that in Indian States the head is His Highness.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—His Highness is the Government.

President.—In the bigger States like Mysore and Hyderabad, where they have Executive Councils, certain powers are given to the Council also. So that it will be wrong to say that the Heads of Departments constitute the Government. Can you make the position clearer, Mr. Achyuta Menon?

Mr. C. Achyuta Menon.—His Highness is the Sovereign of the State. The Government derives power from the Sovereign, and the Government is distinct from the Sovereign. For instance, in England the Cabinet Ministers constitute the Government, and they derive power from the Sovereign.

President.—It is not possible to define the word "Government" in a more satisfactory manner.

The sanitation of Kunnamkulam.

475. Mr. K. T. Mathew.—Will the Government be pleased to lay on the table:—

1. the scheme for the better sanitation of the town (Kunnamkulam) referred to in answer to question No. 151 (c) of the last budget session, and

2. the scheme formed in 1099 by the Road Improvement Committee and approved by the Government (vide answer to supplementary question); and

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